

Docket No.: H0817.70001US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roberto Angelo Motterlini et al.
Serial No.: 10/535,508
Confirmation No.: 7230
Filed: December 16, 2005
For: THERAPEUTIC DELIVERY OF CARBON MONOXIDE
Examiner: A. Soroush
Art Unit: 1616

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: February 20, 2009

Signature: 

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is included.

PART II: Information Cited

The Applicant hereby makes the following information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending application that may contain subject matter related to this application:

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> | <u>Docket No.</u> |
|-------------------|--------------------|--------------------|-------------------|
| 10/275,780 | January 27, 2006 | Motterlini et al. | H0817.70000US01 |

A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the following communications (copies enclosed) from a related U.S. Application:

| <u>Serial No.</u> | <u>Mailing Date</u> | <u>Type of Communication</u> | <u>Docket No.</u> |
|-------------------|---------------------|------------------------------|-------------------|
| 11/275,780 | November 30, 2007 | Office Action | H0817.70000US01 |
| 11/275,780 | June 19, 2007 | Office Action | H0817.70000US01 |
| 11/275,780 | March 20, 2007 | Office Action | H0817.70000US01 |

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Dated: February 20, 2009

Respectfully submitted,

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WGS Date: xNDDx